

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of)	
)	Group Art Unit: 1624
Roger John Gillespie et al.)	
)	Examiner: V. Balasubramanian
Serial No. 10/588,902)	
)	Docket No. 010180.00053
Filed: June 18, 2007)	
)	
For: Pyrimidine Compounds As Purine)	
Receptor Antagonist)	

COMMUNICATION REGARDING MISDIRECTED DECISION ON PETITION

U.S. Patent and Trademark Office
Randolph Building, Customer Service Window
401 Dulany Street
Alexandria, VA 22314

Sir:

The attached Decision On Petition was mailed to the undersigned attorney on December 17, 2010. The undersigned contacted Examiner Balasubramanian by telephone on January 5, 2011, in which the Examiner confirmed that the Decision had been mailed in error and that the Decision would be removed and expunged from the record. However, during a recent check of the Patent and Trademark Office's private PAIR Records, it appears that the Decision on Petition is still on the record. The undersigned requests the immediate removal of the Decision from the record to avoid any future confusion involving the application.

Respectfully submitted,

BANNER & WITCOFF LTD.

By: 

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Dated: 2/17/11
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,902	06/18/2007	Roger John Gillespie	010180.00053	9780

22907 7590 12/17/2010
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

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DEC 20 2010

BANNER & WITCOFF, LTD.

EXAMINER

BALASUBRAMANIAN, VENKATARAMAN

ART UNIT PAPER NUMBER

1624

MAIL DATE DELIVERY MODE

12/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DEC 21 2010

Docketed

Attorney

Case Ref.

Action

Due Date

Last Day

By

12/22/2010

SKW/INT'L

010180.00053 ✓

Request for Reconsideration

2/17/2011

2/17/2011

By [Signature]

contacted Exr Bala -
indicated will take off &
expunge from record.

SKW

1/5/11



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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wk

Mailed:
In re application of
Horstmann
Serial No. 10/588,902
Filed: December 1, 2005
For: Direct Coating Method

DEC 17 2010

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:
: DECISION ON
: PETITION
:

This is a response to Applicants Petition filed on October 13, 2010 to enter the after-final amendment filed on August 9, 2010.

Applicants filed the Amendment in reply to the Final Rejection of July 6, 2010. The Amendment sought to incorporate the subject matter of Claims 2 and 4 into independent Claim 1. The Examiner refused entry in that the amendment raised new issues which would require further consideration and/or search. Applicant asserts that the Amendment would not involve significant additional consideration or search presuming that the Examiner conducted a careful and comprehensive search. Claims 5-7 and 14-18 depend from claim 1. The incorporation of the limitations of claim 2 and 4 into independent claim 1 would subject claims 5-7 and 14-18 to limitations that were not previously considered by the Examiner.

Once a final rejection that is not premature has been entered in an application, Applicants no longer have any right to unrestricted further prosecution. This does not mean that no further amendment or argument will be considered. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. An amendment touching the merits of the application may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

A review of the record does not indicate that amendment entry would have place the application in condition for allowance nor in better form for appeal. Further, Applicants have not demonstrated a showing of good and sufficient reasons why the amendment was necessary and was not earlier presented.

DECISION

The Petition is **DENIED**.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Serial Number: 10/588,902

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